

IN RE: PETITION FOR SPECIAL HEARING
NE/S Yorkway, 595' NW of the
c/l of Leeway
(2511 Yorkway)
12th Election District
7th Councilmanic District
Denise Verstandig
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-264-SFH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing to approve the nonconforming use of the subject property as a four unit apartment building in a D.R. 10.5 zone as more particularly described in Petitioner's Exhibit 1.

The Petitioner, by David G. Johnston of Landex, Inc., the Contract Purchaser, appeared, testified and was represented by John B. Gontum, Esquire. Also appearing on behalf of the Petition was Douglas Kennedy, a registered professional engineer with KCM Consultants, Inc., who prepared Petitioner's Exhibit 1, Ron Gajewski and Griffith Davis. Petitioner's Exhibit 1 contains additional notations placed thereon by the attorney for the Petitioner. There were no Protestants.

Testimony indicated that the subject property, known as 2511 Yorkway, was improved by a four unit apartment building in 1943 or 1944. Testimony indicated that there are two units on the first floor of the building and two units on the second floor with two units existing in the basement. Tax records submitted evidenced that the subject building has been assessed over the years and transferred as at least a four unit building continuously and without interruption since approximately early 1944. Testimony and evidence presented substantiates that the building was originally constructed as a four unit apartment building and has been used

consistently as at least a four unit apartment building since its original development. The evidence tends to indicate the subject property was zoned "D" residential during the 1945 Baltimore County Comprehensive Zoning. The evidence further establishes that the exterior parameters of the building have not changed or been altered since the original construction.

The County Board of Appeals of Baltimore County ruled in Case No. 77-142-V (C-77-258) on August 24, 1978 that the subject property enjoys a nonconforming use for six apartments. This order of the Board of Appeals establishes a nonconforming apartment house for the subject property known as 2511 Yorkway and must be given full faith and credit.

The Petitioner does not claim an expansion of this use beyond the original four apartments. The evidence establishes the apartments in the subject building have been occupied continuously and without interruption since August 24, 1978, the date of the Board of Appeals order. The Petitioner wishes to abandon the fifth and sixth apartments and that will be so ordered.

Pursuant to the advertisement, posting of the property, and public hearing held, and for the reasons given above, the Petition for Special Hearing should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 29th day of December, 1988 that the Petition for Special Hearing to approve the nonconforming use of 2511 Yorkway as a four unit apartment building, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

John B. Gontum, Esquire
809 Eastern Boulevard
Baltimore, Maryland 21221

RE: PETITION FOR SPECIAL HEARING
NE/S Yorkway, 595' NW of the c/l of Leeway
(2511 Yorkway)
12th Election District - 7th Councilmanic District
Denise Verstandig - Petitioner
Case No. 89-264-SFH

Dear Mr. Gontum:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: People's Counsel

File

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Townson, Maryland

District: 12th
Posted for: Special Hearing
Petitioner: Landex Corporation - Earl J. Verstandig, et ux
Location of property: NE/S Yorkway, 595' NW of Leeway
Location of signs: 2511 Yorkway, 2511 Yorkway, 2511 Yorkway
Remarks: g. p. h. haines
Posted by: J. Robert Haines
Number of signs: 1

CERTIFICATE OF PUBLICATION

OFFICE OF
Dundalk Eagle

4 N. Center Place
P.O. Box 8936
Dundalk, Md. 21222

THIS IS TO CERTIFY, that the annexed advertisement of J. Robert Haines in the matter of Zoning Hearings - Case # 89-264-SFH - P.O. #05895 - REQ. #26114 - 80 lines @ \$40.00. was inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week for one successive weeks before the 9th day of December 1988; that is to say, the same was inserted in the issues of December 8, 1988

Kimbel Publication, Inc.
per Publisher.

By K.C. O'Brien

PETITION FOR SPECIAL HEARING TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve as a legal non-conforming use (with four apartments) #2511 Yorkway, Baltimore County, Maryland

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I, We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
Judith S. Siegel, President
(Type or Print Name)
Signature
Landex Corporation
250 Centerville Road, Bldg. G
Address
Warwick, R.I. 02886
City and State
Mortgage for Petitioner:
John Gontum
(Type or Print Name)
Signature
809 Eastern Blvd.
Address
Essex, Md. 21221
City and State
Attorney's Telephone No.: 301-686-8274

Legal Owner(s):
Denise Verstandig, et ux
(Type or Print Name)
Signature
(Type or Print Name)
Signature
13 Keyser Woods Court
Address
Baltimore, Maryland 21208
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name
Address
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 11th day of December, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 19th day of December, 1988, at 10 o'clock

J. Robert Haines
Zoning Commissioner of Baltimore County.

ESTIMATED LENGTH OF HEARING: 1 Day (over)
AVAILABLE FOR HEARING: MON./TUES./WED. - NEXT TWO MONTHS
OTHER: _____
REVIEWED BY: WCR DATE: 11/29

CERTIFICATE OF PUBLICATION

TOWSON, MD., December 9, 1988.

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on December 8, 1988.

THE JEFFERSONIAN,

S. Z. O'Brien
Publisher

PO 07753
reg M25113
case # 89-264-SFH
prio 35.63

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 11/29/88 ACCOUNT: 01-615-000

AMOUNT: \$ 100.00

RECEIVED: Judith S. Siegel, President, Landex Corp.
P.O. #05895 - REQ. #26114 - 80 lines @ \$40.00

FOR: Filing Fee for Special Hearing (1 of 17) 4.00
Items # 216-232 Yorkway Non-conforming apartments

VALIDATION OR SIGNATURE OF CASHIER
DATE: 11/29/88

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
(301) 837-3333
J. Robert Haines
Zoning Commissioner

December 29, 1988

Community Development Administration
45 Calvert Street
Annapolis, Maryland 21401
Henton Mortgage Company
5731 Lyons View Drive
Nashville, Tennessee 37919

RE: Yorkway Apartments
Gentlemen:

I have this day taken testimony and evidence with respect to the following Yorkway Apartment Buildings:

2513 Yorkway
2515 Yorkway
2517 Yorkway
2519 Yorkway
2521 Yorkway
2506 Yorkway
2611 Yorkway
2613 Yorkway
2625 Yorkway
2605 Yorkway
2607 Yorkway
2627 Yorkway
2629 Yorkway
2504 Yorkway
2510 Yorkway
2511 Yorkway

Based on the testimony and evidence presented, I am issuing findings of fact and conclusion of law indicating that these buildings all have legal nonconforming uses as four unit apartment buildings.

The following properties 2609 Yorkway, 2619 Yorkway, 2527 Yorkway and 2529 Yorkway have all previously been found to have legal nonconforming uses. To my knowledge, there are no zoning violations outstanding on any of these buildings, and they may continue as four unit apartment buildings in conformance with the laws and regulations of Baltimore County.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

Douglas L. Kennedy, P.E.
William K. Woody, L.S.

KCW Consultants, Inc.
Civil Engineers and Land Surveyors
1777 Reisterstown Road
Commerce, Suite 175
Baltimore, Maryland 21208
(301) 484-8894 / 484-0963

John M. Cosarquis, L.S. (Ret.)

Item # 231

November 29, 1988

PETITIONER/CONTRACT PURCHASER:
LANDEX CORPORATION
250 Centerville Road, Bld. 'F'
Warwick, Rhode Island 02886
Attn: Ms. Judith Siegel
(401) 732-5430

PROPERTY DESCRIPTION TO ACCOMPANY
PETITION FOR SPECIAL HEARING
12th ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING for the same and being part of Block No. 8 as shown on a Plat entitled Plat No. 4 of Dundalk dated April 1940 and filed among the Land Records of Baltimore County in Liber C.W.B.Jr.No.12 folio 63 and being also part of the portion of Block 8 which by deed dated November 2, 1942 was conveyed by The Dundalk Company to Yorkway Village, Inc., and described as follows:
Beginning for the same at a point on the Southwesterly line of Block 8 which is also the Northeastly line of Yorkway as now laid out distant 564 and 24/100ths feet Northwestly measured along the said Southwesterly line of Block 8 from the Northwestly line of Leeway, as now laid out 60 feet wide all as shown on said plat and running thence North 60 degrees 52 minutes 13 seconds East 134 and 73/100ths. feet part of which distance is intended to be along the center line of a party wall there situate to intersect the Southwesterly line of a 14 feet alley there situate thence binding on the Southwesterly line of said alley North 38 degrees 46 minutes 9 seconds West 49 and 68/100ths. feet thence South 60 degrees 52 minutes 13 seconds West 124 and 71/100ths. feet part of which distance is intended to be along the center line of a Party Wall there situate to intersect the aforesaid Southwesterly line of Block 8, thence binding on said Southwesterly line of Block 8 in a Southeasterly direction the two following courses and distance on a curve to the right with a radius of 1310 feet for a distance of 54 and 98/100ths. feet and on a curve to the left with a radius of 765 feet for a distance of 3 and 4/100ths. feet to the place of beginning. The improvements thereon being known as No. 2511 YORKWAY.

#2511 YORKWAY Acc. # 12-08-056200

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

John B. Contrum, Esq.
809 Eastern Boverland
Essex, Maryland 21221

DEC 12 1988



Dennis F. Rasmussen
County Executive

RE: Petitions for Special Hearing
CASE NUMBERS: 89-249-SPH thru 89-264-SPH
Your Client: Landex Corporation
Date of Hearing: Thursday, December 29, 1988 at 9:00 a.m.

Dear Mr. Contrum:

Please be advised that \$1,450.00 is due for advertising and posting of the above referenced properties. All fees must be paid prior to the hearings. Do not remove the sign and post set(s) from the properties.

THIS FEE MUST BE PAID ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before the hearings are scheduled to begin.

Please note that due to the number of signs to be returned, here will be no need for your client to remove and return the signs, as this office will do same.

Very truly yours,

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Mr. Walter Stealey
Mr. Judith S. Siegel
File

* \$90.63 each property

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 M. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Special Hearing
CASE NUMBER: 89-264-SPH
NE/S Yorkway, 595' NW of c/l of Leeway (2511 Yorkway)
12th Election District - 7th Councilmanic
Legal Owner(s): Earl J. Vostadig, et ux
Purchaser(s): Landex Corporation
HEARING SCHEDULED: THURSDAY, DECEMBER 29, 1988 at 9:00 a.m.

SPECIAL HEARING: Nonconforming use of 2511 Yorkway (four apartments)

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

NOV 29 '88 10:44 P.M. HSSU/2UL DUV. PAGE 01

APPLICATION FOR PERMIT
BALTIMORE COUNTY MARYLAND
OFFICE OF THE BUILDING ENGINEER
TOWSON, MARYLAND 21204

Building Address: 2511 YORKWAY
Owners Name: YOKL PARK ASSOCIATES
Mailing Address: 250 CENTERVILLE RD. WARRICK, R.I. 02886

APPROVED BY: [Signature]
DATE: 12/12/88

CONSTRUCTION: 1. NEW BUILDING CONSTRUCTION 2. ADDITION 3. ALTERATION 4. REPAIR 5. RECONSTRUCTING EXISTING BUILDING 6. MOVING 7. OTHER

TYPE OF USE: RESIDENTIAL 1. SINGLE FAMILY 2. TWO-FAMILY 3. THREE-FAMILY 4. FOUR-FAMILY 5. FIVE-FAMILY 6. SIX-FAMILY 7. SEVEN-FAMILY 8. EIGHT-FAMILY 9. NINE-FAMILY 10. TEN-FAMILY 11. ELEVEN-FAMILY 12. TWELVE-FAMILY 13. THIRTEEN-FAMILY 14. FOURTEEN-FAMILY 15. FIFTEEN-FAMILY 16. SIXTEEN-FAMILY 17. SEVENTEEN-FAMILY 18. EIGHTEEN-FAMILY 19. NINETEEN-FAMILY 20. TWENTY-FAMILY 21. TWENTY-ONE-FAMILY 22. TWENTY-TWO-FAMILY 23. TWENTY-THREE-FAMILY 24. TWENTY-FOUR-FAMILY 25. TWENTY-FIVE-FAMILY 26. TWENTY-SIX-FAMILY 27. TWENTY-SEVEN-FAMILY 28. TWENTY-EIGHT-FAMILY 29. TWENTY-NINE-FAMILY 30. THIRTY-FAMILY 31. THIRTY-ONE-FAMILY 32. THIRTY-TWO-FAMILY 33. THIRTY-THREE-FAMILY 34. THIRTY-FOUR-FAMILY 35. THIRTY-FIVE-FAMILY 36. THIRTY-SIX-FAMILY 37. THIRTY-SEVEN-FAMILY 38. THIRTY-EIGHT-FAMILY 39. THIRTY-NINE-FAMILY 40. FORTY-FAMILY 41. FORTY-ONE-FAMILY 42. FORTY-TWO-FAMILY 43. FORTY-THREE-FAMILY 44. FORTY-FOUR-FAMILY 45. FORTY-FIVE-FAMILY 46. FORTY-SIX-FAMILY 47. FORTY-SEVEN-FAMILY 48. FORTY-EIGHT-FAMILY 49. FORTY-NINE-FAMILY 50. FIFTY-FAMILY 51. FIFTY-ONE-FAMILY 52. FIFTY-TWO-FAMILY 53. FIFTY-THREE-FAMILY 54. FIFTY-FOUR-FAMILY 55. FIFTY-FIVE-FAMILY 56. FIFTY-SIX-FAMILY 57. FIFTY-SEVEN-FAMILY 58. FIFTY-EIGHT-FAMILY 59. FIFTY-NINE-FAMILY 60. SIXTY-FAMILY 61. SIXTY-ONE-FAMILY 62. SIXTY-TWO-FAMILY 63. SIXTY-THREE-FAMILY 64. SIXTY-FOUR-FAMILY 65. SIXTY-FIVE-FAMILY 66. SIXTY-SIX-FAMILY 67. SIXTY-SEVEN-FAMILY 68. SIXTY-EIGHT-FAMILY 69. SIXTY-NINE-FAMILY 70. SEVENTY-FAMILY 71. SEVENTY-ONE-FAMILY 72. SEVENTY-TWO-FAMILY 73. SEVENTY-THREE-FAMILY 74. SEVENTY-FOUR-FAMILY 75. SEVENTY-FIVE-FAMILY 76. SEVENTY-SIX-FAMILY 77. SEVENTY-SEVEN-FAMILY 78. SEVENTY-EIGHT-FAMILY 79. SEVENTY-NINE-FAMILY 80. EIGHTY-FAMILY 81. EIGHTY-ONE-FAMILY 82. EIGHTY-TWO-FAMILY 83. EIGHTY-THREE-FAMILY 84. EIGHTY-FOUR-FAMILY 85. EIGHTY-FIVE-FAMILY 86. EIGHTY-SIX-FAMILY 87. EIGHTY-SEVEN-FAMILY 88. EIGHTY-EIGHT-FAMILY 89. EIGHTY-NINE-FAMILY 90. NINETY-FAMILY 91. NINETY-ONE-FAMILY 92. NINETY-TWO-FAMILY 93. NINETY-THREE-FAMILY 94. NINETY-FOUR-FAMILY 95. NINETY-FIVE-FAMILY 96. NINETY-SIX-FAMILY 97. NINETY-SEVEN-FAMILY 98. NINETY-EIGHT-FAMILY 99. NINETY-NINE-FAMILY 100. ONE HUNDRED-FAMILY

TYPE OF CONSTRUCTION: 1. MAJOR 2. MINOR 3. REPAIR 4. RECONSTRUCT 5. ADDITION 6. ALTERATION 7. MOVING 8. OTHER

TYPE OF WATER SUPPLY: 1. PUBLIC SYSTEM 2. PRIVATE SYSTEM 3. WELL 4. SPRING 5. OTHER

RESIDENTIAL ONLY: 1. SINGLE FAMILY UNITS 2. TWO-FAMILY UNITS 3. THREE-FAMILY UNITS 4. FOUR-FAMILY UNITS 5. FIVE-FAMILY UNITS 6. SIX-FAMILY UNITS 7. SEVEN-FAMILY UNITS 8. EIGHT-FAMILY UNITS 9. NINE-FAMILY UNITS 10. TEN-FAMILY UNITS 11. ELEVEN-FAMILY UNITS 12. TWELVE-FAMILY UNITS 13. THIRTEEN-FAMILY UNITS 14. FOURTEEN-FAMILY UNITS 15. FIFTEEN-FAMILY UNITS 16. SIXTEEN-FAMILY UNITS 17. SEVENTEEN-FAMILY UNITS 18. EIGHTEEN-FAMILY UNITS 19. NINETEEN-FAMILY UNITS 20. TWENTY-FAMILY UNITS 21. TWENTY-ONE-FAMILY UNITS 22. TWENTY-TWO-FAMILY UNITS 23. TWENTY-THREE-FAMILY UNITS 24. TWENTY-FOUR-FAMILY UNITS 25. TWENTY-FIVE-FAMILY UNITS 26. TWENTY-SIX-FAMILY UNITS 27. TWENTY-SEVEN-FAMILY UNITS 28. TWENTY-EIGHT-FAMILY UNITS 29. TWENTY-NINE-FAMILY UNITS 30. THIRTY-FAMILY UNITS 31. THIRTY-ONE-FAMILY UNITS 32. THIRTY-TWO-FAMILY UNITS 33. THIRTY-THREE-FAMILY UNITS 34. THIRTY-FOUR-FAMILY UNITS 35. THIRTY-FIVE-FAMILY UNITS 36. THIRTY-SIX-FAMILY UNITS 37. THIRTY-SEVEN-FAMILY UNITS 38. THIRTY-EIGHT-FAMILY UNITS 39. THIRTY-NINE-FAMILY UNITS 40. FORTY-FAMILY UNITS 41. FORTY-ONE-FAMILY UNITS 42. FORTY-TWO-FAMILY UNITS 43. FORTY-THREE-FAMILY UNITS 44. FORTY-FOUR-FAMILY UNITS 45. FORTY-FIVE-FAMILY UNITS 46. FORTY-SIX-FAMILY UNITS 47. FORTY-SEVEN-FAMILY UNITS 48. FORTY-EIGHT-FAMILY UNITS 49. FORTY-NINE-FAMILY UNITS 50. FIFTY-FAMILY UNITS 51. FIFTY-ONE-FAMILY UNITS 52. FIFTY-TWO-FAMILY UNITS 53. FIFTY-THREE-FAMILY UNITS 54. FIFTY-FOUR-FAMILY UNITS 55. FIFTY-FIVE-FAMILY UNITS 56. FIFTY-SIX-FAMILY UNITS 57. FIFTY-SEVEN-FAMILY UNITS 58. FIFTY-EIGHT-FAMILY UNITS 59. FIFTY-NINE-FAMILY UNITS 60. SIXTY-FAMILY UNITS 61. SIXTY-ONE-FAMILY UNITS 62. SIXTY-TWO-FAMILY UNITS 63. SIXTY-THREE-FAMILY UNITS 64. SIXTY-FOUR-FAMILY UNITS 65. SIXTY-FIVE-FAMILY UNITS 66. SIXTY-SIX-FAMILY UNITS 67. SIXTY-SEVEN-FAMILY UNITS 68. SIXTY-EIGHT-FAMILY UNITS 69. SIXTY-NINE-FAMILY UNITS 70. SEVENTY-FAMILY UNITS 71. SEVENTY-ONE-FAMILY UNITS 72. SEVENTY-TWO-FAMILY UNITS 73. SEVENTY-THREE-FAMILY UNITS 74. SEVENTY-FOUR-FAMILY UNITS 75. SEVENTY-FIVE-FAMILY UNITS 76. SEVENTY-SIX-FAMILY UNITS 77. SEVENTY-SEVEN-FAMILY UNITS 78. SEVENTY-EIGHT-FAMILY UNITS 79. SEVENTY-NINE-FAMILY UNITS 80. EIGHTY-FAMILY UNITS 81. EIGHTY-ONE-FAMILY UNITS 82. EIGHTY-TWO-FAMILY UNITS 83. EIGHTY-THREE-FAMILY UNITS 84. EIGHTY-FOUR-FAMILY UNITS 85. EIGHTY-FIVE-FAMILY UNITS 86. EIGHTY-SIX-FAMILY UNITS 87. EIGHTY-SEVEN-FAMILY UNITS 88. EIGHTY-EIGHT-FAMILY UNITS 89. EIGHTY-NINE-FAMILY UNITS 90. NINETY-FAMILY UNITS 91. NINETY-ONE-FAMILY UNITS 92. NINETY-TWO-FAMILY UNITS 93. NINETY-THREE-FAMILY UNITS 94. NINETY-FOUR-FAMILY UNITS 95. NINETY-FIVE-FAMILY UNITS 96. NINETY-SIX-FAMILY UNITS 97. NINETY-SEVEN-FAMILY UNITS 98. NINETY-EIGHT-FAMILY UNITS 99. NINETY-NINE-FAMILY UNITS 100. ONE HUNDRED-FAMILY UNITS

F. DIMENSIONS: 1. LOT AREA 2. LOT FRONT 3. LOT DEPTH 4. LOT WIDTH 5. LOT HEIGHT 6. LOT AREA 7. LOT FRONT 8. LOT DEPTH 9. LOT WIDTH 10. LOT HEIGHT 11. LOT AREA 12. LOT FRONT 13. LOT DEPTH 14. LOT WIDTH 15. LOT HEIGHT 16. LOT AREA 17. LOT FRONT 18. LOT DEPTH 19. LOT WIDTH 20. LOT HEIGHT 21. LOT AREA 22. LOT FRONT 23. LOT DEPTH 24. LOT WIDTH 25. LOT HEIGHT 26. LOT AREA 27. LOT FRONT 28. LOT DEPTH 29. LOT WIDTH 30. LOT HEIGHT 31. LOT AREA 32. LOT FRONT 33. LOT DEPTH 34. LOT WIDTH 35. LOT HEIGHT 36. LOT AREA 37. LOT FRONT 38. LOT DEPTH 39. LOT WIDTH 40. LOT HEIGHT 41. LOT AREA 42. LOT FRONT 43. LOT DEPTH 44. LOT WIDTH 45. LOT HEIGHT 46. LOT AREA 47. LOT FRONT 48. LOT DEPTH 49. LOT WIDTH 50. LOT HEIGHT 51. LOT AREA 52. LOT FRONT 53. LOT DEPTH 54. LOT WIDTH 55. LOT HEIGHT 56. LOT AREA 57. LOT FRONT 58. LOT DEPTH 59. LOT WIDTH 60. LOT HEIGHT 61. LOT AREA 62. LOT FRONT 63. LOT DEPTH 64. LOT WIDTH 65. LOT HEIGHT 66. LOT AREA 67. LOT FRONT 68. LOT DEPTH 69. LOT WIDTH 70. LOT HEIGHT 71. LOT AREA 72. LOT FRONT 73. LOT DEPTH 74. LOT WIDTH 75. LOT HEIGHT 76. LOT AREA 77. LOT FRONT 78. LOT DEPTH 79. LOT WIDTH 80. LOT HEIGHT 81. LOT AREA 82. LOT FRONT 83. LOT DEPTH 84. LOT WIDTH 85. LOT HEIGHT 86. LOT AREA 87. LOT FRONT 88. LOT DEPTH 89. LOT WIDTH 90. LOT HEIGHT 91. LOT AREA 92. LOT FRONT 93. LOT DEPTH 94. LOT WIDTH 95. LOT HEIGHT 96. LOT AREA 97. LOT FRONT 98. LOT DEPTH 99. LOT WIDTH 100. LOT HEIGHT

G. HAVE CAREFULLY READ THE APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE AND THAT THE APPLICANT IS NOT PROVIDING ANY FALSE INFORMATION HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED PERMITS.

INVESTIGATION FEE: \$100.00 NO PERMIT FEE REFUNDABLE OCCUPANCY FEE \$100.00

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

December 20, 1988



Dennis F. Rasmussen
County Executive

Judith S. Siegel, President
250 Centerville Road
Building Six
Warwick, Rhode Island 02886

RE: Case Numbers 89-249-SPH through 89-264-SPH - Yorkway

Dear Ms. Siegel:

Upon review of the documentation which you have submitted in the above referenced cases supporting the evidence of a nonconforming use in the 16 locations on Yorkway which are the subject of the above referenced cases, I am satisfied that if all of the dwellings were constructed with four dwellings prior to January 2, 1945 that obviously an apparent nonconforming use existed at one time. Due to the extreme emergency of your mortgage obligations prior to December 31, 1988, I will provisionally approve the building permits subject to a final determination upon presentation of evidence in the hearing on December 29th. The 16 cases have been advertised and a hearing will occur on the 29th which will allow any protestants to provide any evidence in opposition to the existence of the nonconforming use.

Very truly yours,

J. Robert Haines
Zoning Commissioner

JRH:scj

AFFIDAVIT

My name is Connie Ports and my address is Apartment B, 2607 Yorkway, Dundalk Maryland 21222. I first moved to the Yorkway area in 1963 and after leaving for a short while, I moved back again in 1971. I have acted as a manager for several of the apartment buildings in the 2600 block of Yorkway and at one time managed 2619 Yorkway. I testified before the Baltimore County Board of Appeals in Case No. 88-14 with respect to 2609 and 2619 Yorkway. It was my testimony at that time under oath, that I have been in all of the buildings along the 2600 block of Yorkway and that they were all identical as four (4) unit apartment buildings, except that some apartments had added an additional apartment in the basement. It was and is my testimony that these buildings were all constructed originally as four (4) bedroom unit apartments and during the familiarity with these apartments for the 1960's up to the present time, these buildings have all been used continuously and uninterruptedly with four (4) apartment units per building.

I solemnly declare and affirm that the above statements are true to the best of my knowledge, information and belief.

Connie R. Ports
CONNIE PORTS

I hereby certify that on this 20th day of December 1988, before me, Notary Public for said State and County, personally appeared CONNIE PORTS, Affiant, and solemnly affirmed under the penalties of perjury and under oath in due form of law that the contents of the foregoing paper are true to the best of her knowledge, information and belief.

KAREN E. BECKER
Notary Public
BALTIMORE, MD.

My commission expires: 7/1/90

PETITIONER'S
EXHIBIT 3B

LAW FIRM
ROMADKA,
CONTRUM
& HENNEGAN
ESSEX, MARYLAND

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines
Zoning Commissioner
Pat Keller, Deputy Director
FROM: Office of Planning and Zoning
Landex Corporation
SUBJECT: Zoning Petition Nos. 89-249-X thru 89-264-X

The applicant is requesting a special hearing to establish four apartment units within 19 buildings, the majority of which constitute York Park as shown on the applicant's site plan dated October 20, 1988. It is not clear from the applicant's submission if buildings 2615, 2609, 2527 and 2529 are included in this request. Baltimore County has been involved with various improvements and upgrades to this project. Money has been utilized in the past to rehabilitate and upgrade the railroad right-of-way that is located along the rear of block No. 9. Staff has no detailed comments or recommendation regarding this request.

PK/sf

VETERANS' ATTENTION
THE MOST SENSATIONAL OFFER EVER MADE
BRICK APARTMENT HOUSES
4 Individual Apartments in Each House.
EACH APARTMENT HAS

SEPARATE ENTRANCE FROM MAIN BUILDINGS
LARGE LIVING ROOM 15 FEET 6 INCHES WIDE BY 17 FEET 6 INCHES LONG
LARGE BEDROOM 12 FEET 6 INCHES LONG AND 10 FEET 6 INCHES WIDE, BEDROOM HAS TWO SEPARATE CLOSETS
LARGE FULL BATHROOM WITH TUB/SHOWER AND 8" X 10" TILED FLOOR
ENTRANCE HALL WITH COAT CLOSET
KITCHEN WITH BUILT IN CABINETS, SINK, GAS RANGE AND REFRIGERATOR
HOT WATER HEATING PLANT WITH SEPARATE THERMOSTAT IN EACH APARTMENT
SEPARATE STORAGE ROOM IN BASEMENT FOR EACH APARTMENT
LAUNDRY LINES AND TOILET IN BASEMENT, HARDWOOD FLOORS AND SUB FLOORS

CHURCHES OF ALL DENOMINATIONS, RESTAURANTS AND ICE CREAM SHOPPING CENTER NEARBY, AND A NEW MILLION DOLLAR HIGH SCHOOL WITHIN TWO BLOCKS. RAIL WATER PARKING BEACH WITHIN FIVE MINUTE DRIVE.

CURBEN HOUSES INCLUDING CHURCHES
COURT HOUSES ALMOST LOWER PRICE \$17,000.00

BUILT IN 1918 ALL PERMANENT MATERIALS
CONSTRUCTION OF THESE HOMES WAS SUPERVISED AND INSURED BY
FEDERAL HOUSING ADMINISTRATION

IF YOU HAVE A CASH PAYMENT OF \$500.00 AND FINANCE YOUR MORTGAGE UNDER F.H.A.
FEDERAL HOUSING ADMINISTRATION APPROVED LOAN, YOUR INTEREST AND EXPENSES WOULD BE AS FOLLOWS:
Your rent received from two apartments at \$150.00 per month \$300.00
Your rent received from two apartments at \$150.00 per month \$300.00
THERE ARE NO P.A. APPROVED RENTS \$600.00
TOTAL RECEIVED PER MONTH \$1200.00

YOUR MORTGAGE WOULD BE \$1200.00 FOR 20 YEAR TERM
YOUR MONTHLY PAYMENT ON THE MORTGAGE WOULD BE \$120.00
INTEREST FOR FIRST MONTH \$120.00
PAYMENT ON MORTGAGE SAVINGS FOR YOU \$120.00 (Decreases Every Month)
1/3 OF YOUR ANNUAL COUNTY TAXES \$120.00 (Decreases Every Month)
F.I.A. INSURANCE \$120.00
1/3 OF YOUR FIRE INSURANCE \$120.00
YOUR TOTAL MONTHLY PAYMENT ON MORTGAGE \$120.00
Balance of income left to you after mortgage payment \$60.00
YOUR OTHER YEARLY EXPENSES FOR RUNNING THE HOUSE ARE
COAL USED, 15 TONS AT \$120.00 PER TON \$1800.00
WATER USED PER YEAR (AVERAGE) \$120.00
ELECTRICITY USED PER YEAR (AVERAGE) \$120.00
MAINTENANCE OF PARKS, STREETS, LIGHTS, ETC. \$120.00
SEWER RENT \$120.00
TOTAL ANNUAL EXPENSES OTHER THAN MORTGAGE \$2280.00
DIVIDED BY 12 MONTHS, EQUALS PER MONTH \$190.00
AMOUNT LEFT FROM MONTHLY RENT AFTER PAYING MORTGAGE AND ALL EXPENSES \$210.00
Add to this the amount you have paid off (saved) on your mortgage \$120.00
YOUR TOTAL MONTHLY PROFIT \$330.00
ON YOU CAN LIVE IN ONE APARTMENT RENT FREE AND STILL HAVE A NICE INCOME
SEE THE FURNISHED SAMPLE APARTMENT 1ST FLOOR 2511 YORKWAY
OPEN DAILY—SATURDAY—SUNDAYS—12 NOON TO 7:30 P.M.
Take 25 cent to Dundalk and Liberty Parkways walk to end of 2500 block Liberty Parkway (Leeway) turn left on Leeway 1 block, Sample House on corner.

JEROME J. GELMAN, Agent
2514 YORKWAY PHONE DUNDALK 1701

PETITIONER'S
EXHIBIT 2

PETITIONER'S
EXHIBIT 3A

AFFIDAVIT

My name is James Thompson and I am the Zoning Enforcement Supervisor for the Department of Planning and Zoning in Baltimore County, Maryland. I have been employed in the Zoning Office as a Zoning Enforcement Officer and as a Zoning Inspector for 11 1/2 years. For the past 6 years, I have acted as the Chief of the Zoning Enforcement Section. Over these years, I have become acquainted with the apartment buildings on Yorkway in the Dundalk area of Baltimore County. Numerous violations have been filed against various units on the Yorkway complex for exceeding the permitted number of units within the given zone. A review of the zoning records on the numerous violations which we have researched over the past decade indicates that the apartment units on the 2500 and 2600 block of Yorkway were all built about the same time in 1943 and 1944. The units were all built as four (4) unit apartments. When zoning became effective in January in 1945, these apartment buildings were classified as a Class D residential zone. This zone allowed three (3) units or more per dwelling. However, the original regulations provided for non-conforming uses as follows:

"A lawful non-conforming use existing on the effective date of the adoption of these regulations may continue, provided, however, upon any change from such non-conforming use to a conforming use, or any attempt to change from such

**PETITIONER'S
EXHIBIT 4**

AFFIDAVIT

We, the undersigned, CARL J. VERSTANDIG AND DENISE VERSTANDIG, declare and affirm that we are the owners of the property improved by a building known as 2511 Yorkway, Baltimore, Maryland 21222, which contains six apartment units. This building was purchased by us from Mr. William G. Lort in 1985 as a six-unit apartment building. We were informed by Mr. Lort a legal non-conforming use existed for the six units and that the property had been continuously and uninterruptedly used for six units over the period of his ownership.

When we became owners in 1985, we have continued to rent the property for six apartment units continuously and uninterruptedly.

CARL J. VERSTANDIG

DENISE VERSTANDIG

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY that on this 22nd day of DECEMBER, 1988, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared CARL J. VERSTANDIG and DENISE VERSTANDIG and declared and affirmed under the penalties of perjury that the facts set forth above are true and correct to the best of their knowledge, information and belief.

AS WITNESS my hand and Notarial Seal.



My commission expires: July 1, 1990

**PETITIONER'S
EXHIBIT 6**

ORDER RECEIVED FOR FILING
Date 1/1/89
By [Signature]

August 24, 1978

John E. Bohlert, Jr., Esquire
6708 Belair Road
Baltimore, Maryland 21206

Re: Case No. 77-142-V
William G. Lort

Dear Mr. Bohlert:

Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

Edith L. Eisenhart, Adm. Secretary

End.

cc: Mr. William G. Lort
The Hon. John W. O'Rourke
Thomas Rollinger, Esquire
Mr. Gary Freund
Mr. James E. Dyer
Mr. James B. Byrnes, III
Mr. S. Eric DiNenna
Mr. L. H. Groef
Mr. G. J. Martinak

**PETITIONER'S
EXHIBIT 5**

IN RE: PETITION FOR SPECIAL HEARING
N/S Yorkway, 225' E of Leeway
(2609 Yorkway)
12th Election District
Kenneth W. Martin, et ux,
Petitioners

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-290-SFH

The Petitioners herein request a Special Hearing to determine whether or not approval should be granted for the non-conforming use of 2609 Yorkway as a four apartment building since 1945, and furthermore, the non-conforming use of two additional apartments in existence since 1951.

Pursuant to the advertisement and posting of the above referenced property, a public hearing on the Petition was held on January 28, 1986, at which time one of the Petitioners testified that six apartments had been rented continuously since his purchase of the property in 1980. A witness testified that both basement apartments were occupied from spring to fall of 1957.

Two Protestants testified that the building was constructed for four apartments. One of the Protestants testified that the building was constructed in 1945; that in 1963 he was aware of one basement apartment; and that currently he can see a cat living in another basement apartment. The other Protestant testified that through the years, he gradually became aware that there were basement apartments in the neighborhood.

At the request of the Petitioner, the case was continued. The file indicates that the Petitioner would contact the Deputy Zoning Commissioner within 60 days to arrange a date to continue the case. The file includes copies of both a July and a September letter from the Deputy Zoning Commissioner asking that the Petitioner request either a continuation or a dismissal of the case. At this time, no such request has been received.

**PETITIONER'S
EXHIBIT 8**

RE: ALLEGED ZONING VIOLATION
on property located at
2511 Yorkway
12th District
William G. Lort
Defendant

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 77-142-V
(C-77-258)

OPINION

This case comes before the Board on an appeal by the Defendant from an Order of the Deputy Zoning Commissioner, dated May 3, 1977, finding a zoning violation to exist; namely, six (6) apartments in a dwelling located at 2511 Yorkway, in the Twelfth Election District of Baltimore County.

There was stipulation in this case by counsel that the existing zoning is D.R. 10.5, and that there was no factual dispute as to there being six apartments on the subject premises, the issue being whether or not the subject property enjoys a legal nonconforming use; namely, that these apartments were in existence prior to the adoption of the regulations in question which became effective in March of 1955.

The property owner and Defendant testified that he purchased the property in 1960 or 1961, and that the property contained six individual apartments at that time. He further testified that prior to the purchase he examined the rental records of the prior owner, and said records reflected rental receipts from six separate units in that building for over five years prior to his acquisition. He further testified that it was his understanding that the building contained the six apartments from the time of its construction, which would have been in the early 1940s, during the period of the second World War. It is the Board's recollection that these apartment buildings were built to accommodate war workers at Bethlehem Steel and Fort Holabird, which are in the immediate vicinity of the subject property, and the purpose of that time was to accommodate as many inhabitants per dwelling as possible. Further testimony, not only from the Defendant but confirmed by the Zoning Inspector, indicated that the two blocks of Yorkway contains similar type apartment buildings many of which have six apartments, others five, and the remainder contain four apartments.

William G. Lort - #77-142-V

Additionally, the attorney for the Defendant testified in this case. It was also his understanding that the subject property had been used as six apartments since its construction, and further, that a notice of a similar zoning violation had been received concerning this property about six years ago and he personally contacted the Zoning Commissioner's office and there were no further developments as the result of that incident, the Zoning Commissioner's office apparently being satisfied that the nonconforming use did exist.

Consequently, this Board is of the impression that the subject property enjoys a legal nonconforming use and is, therefore, not in violation of the Baltimore County Zoning Regulations.

ORDER

For the reasons set forth in the foregoing Opinion, the Board reverses the Order of the Deputy Zoning Commissioner, dated May 3, 1977, and ORDERS this 24th day of August, 1978, that no violation of the Zoning Regulations of Baltimore County exists on the subject property.

Any appeal from this decision must be in accordance with Rules 8-1 thru 8-12 of the Maryland Rules of Procedure.

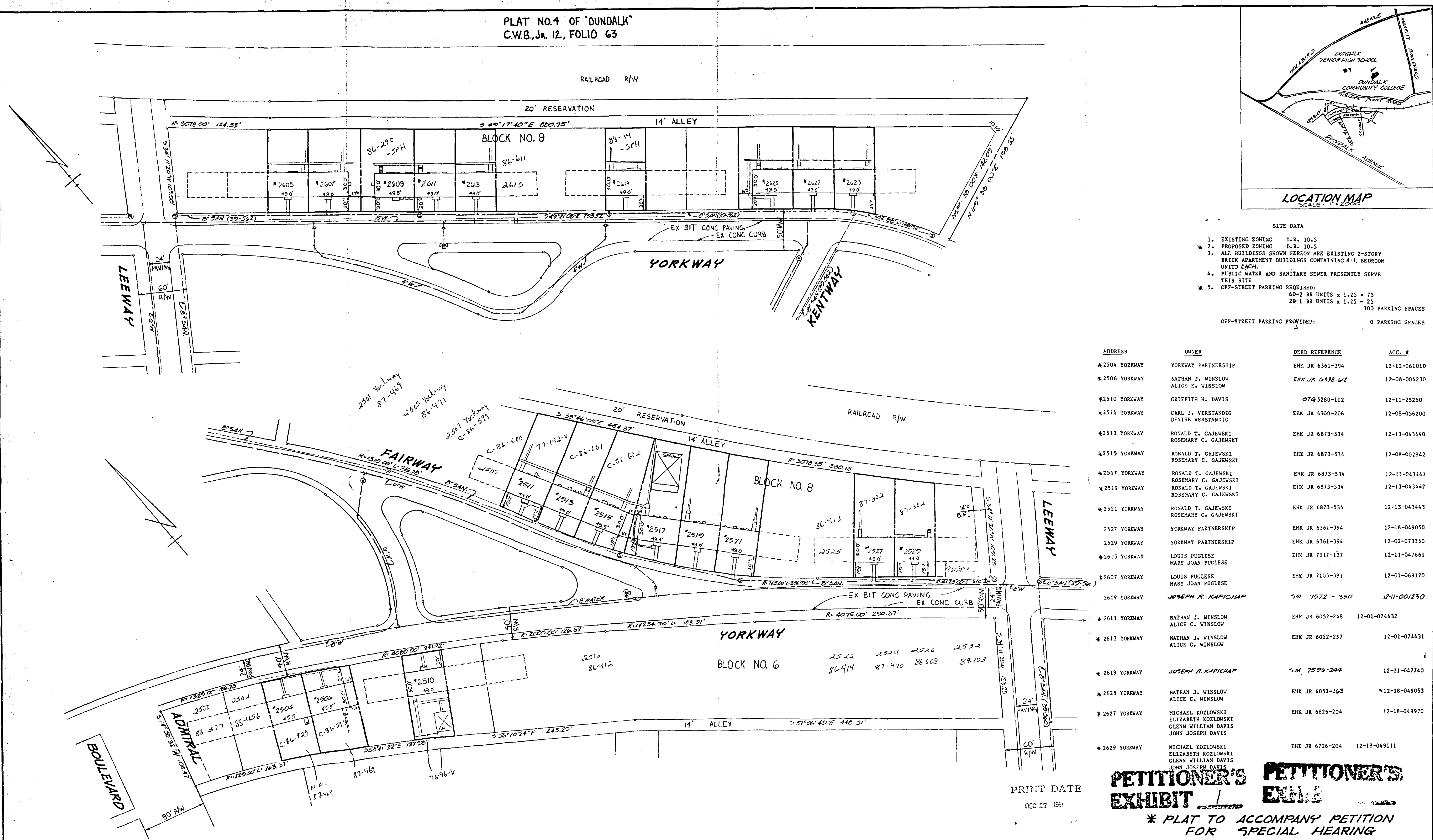
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Robert L. Gilland, Vice Chairman

John A. Miller

William T. Hackett

PLAT NO.4 OF "DUNDALK"
C.W.B., Jr. 12, FOLIO 63



LOCATION MAP
SCALE: 1" = 200'

SITE DATA

1. EXISTING ZONING D.R. 10.5
 - * 2. PROPOSED ZONING D.R. 10.5
 3. ALL BUILDINGS SHOWN HEREON ARE EXISTING 2-STORY BRICK APARTMENT BUILDINGS CONTAINING 4-1, BEDROOM UNITS EACH.
 4. PUBLIC WATER AND SANITARY SEWER PRESENTLY SERVE THIS SITE
 - * 5. OFF-STREET PARKING REQUIRED:
60-2 BR UNITS x 1.25 = 75
20-1 BR UNITS x 1.25 = 25
100 PARKING SPACES
- OFF-STREET PARKING PROVIDED: 0 PARKING SPACES

ADDRESS	OWNER	DEED REFERENCE	ACC. #
*2504 YORKWAY	YORKWAY PARTNERSHIP	EHK JR 6361-394	12-12-061010
*2506 YORKWAY	NATHAN J. WINSLOW ALICE E. WINSLOW	EHK JR 6338-42	12-08-004230
*2510 YORKWAY	GRIFFITH H. DAVIS	OTG 5280-112	12-10-25250
*2511 YORKWAY	CARL J. VERSTANDIG DENISE VERSTANDIG	EHK JR 6900-206	12-08-056200
*2513 YORKWAY	RONALD T. GAJEWSKI ROSEMARY C. GAJEWSKI	EHK JR 6873-534	12-13-043440
*2515 YORKWAY	RONALD T. GAJEWSKI ROSEMARY C. GAJEWSKI	EHK JR 6873-534	12-08-002842
*2517 YORKWAY	RONALD T. GAJEWSKI ROSEMARY C. GAJEWSKI	EHK JR 6873-534	12-13-043441
*2519 YORKWAY	RONALD T. GAJEWSKI ROSEMARY C. GAJEWSKI	EHK JR 6873-534	12-13-043442
*2521 YORKWAY	RONALD T. GAJEWSKI ROSEMARY C. GAJEWSKI	EHK JR 6873-534	12-13-043443
2527 YORKWAY	YORKWAY PARTNERSHIP	EHK JR 6361-394	12-18-049050
2529 YORKWAY	YORKWAY PARTNERSHIP	EHK JR 6361-394	12-02-073350
*2605 YORKWAY	LOUIS PUGLESE MARY JOAN PUGLESE	EHK JR 7117-127	12-11-047661
*2607 YORKWAY	LOUIS PUGLESE MARY JOAN PUGLESE	EHK JR 7105-391	12-01-069120
2609 YORKWAY	JOSEPH R. KAPICHAP	SM 7572 - 350	12-11-001230
*2611 YORKWAY	NATHAN J. WINSLOW ALICE C. WINSLOW	EHK JR 6052-248	12-01-074432
*2613 YORKWAY	NATHAN J. WINSLOW ALICE C. WINSLOW	EHK JR 6052-257	12-01-074431
*2619 YORKWAY	JOSEPH R. KAPICHAP	SM 7572-244	12-11-047740
*2625 YORKWAY	NATHAN J. WINSLOW ALICE C. WINSLOW	EHK JR 6052-263	*12-18-049053
*2627 YORKWAY	MICHAEL KOZLOWSKI ELIZABETH KOZLOWSKI GLENN WILLIAM DAVIS JOHN JOSEPH DAVIS	EHK JR 6826-204	12-18-049970
*2629 YORKWAY	MICHAEL KOZLOWSKI ELIZABETH KOZLOWSKI GLENN WILLIAM DAVIS JOHN JOSEPH DAVIS	EHK JR 6726-204	12-18-049111

PRINT DATE

DEC 27 1988

PETITIONER'S EXHIBIT / **PETITIONER'S EXHIBIT**

* PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING

KCW Consultants, Inc.
Civil Engineers and Land Surveyors
1777 Reisterstown Road
Commercentre, Suite 175
Baltimore, Maryland 21208
(301) 484-0963

DEVELOPER:
LANDEX CORPORATION
250 CENTERVILLE RD. BLDG. F
WARWICK, RHODE ISLAND 02886
ATTN: MS. JUDITH SIEGEL
(401) 732-5430

REVISED FRONT SETBACKS, 12/27/88
FINAL SET, 12/4/88

SITE PLAN
YORK PARK
12TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 50' OCTOBER 20, 1988 DWG. G-1